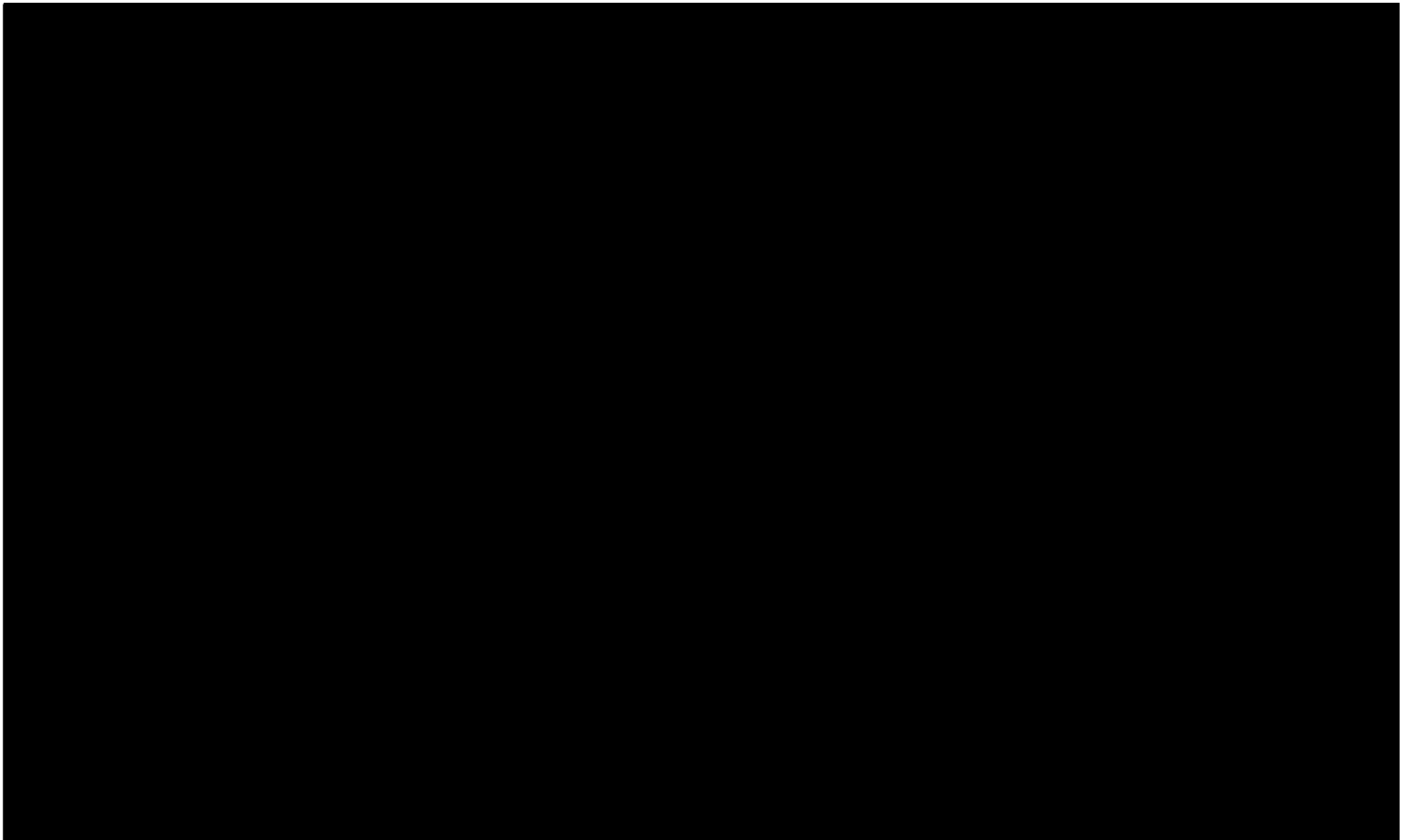


Chief of the Sex Offense and Child Abuse Division
Baltimore County State's Attorneys Office
410-887-6610

From: Allison Frank [mailto:thefrankclan@comcast.net]
Sent: Thursday, June 30, 2016 12:33 PM
To: Lisa Dever <ldever@baltimorecountymd.gov>
Subject: Re: UMBC case



Sent from my iPhone

On Jun 30, 2016, at 11:51 AM, Lisa Dever <ldever@baltimorecountymd.gov> wrote:

Allison-

I only get the written report. I can request the photographs; and have done so in this case. But they are not a part of the report that we get in the normal course.

Your interpretation of what I said about Maryland Law is not correct and I am sorry that was the impression you received. Please let me elaborate on this. For us to prove the lack of consent I would need to prove that the victim is "physically helpless". Maryland law defines physically helpless individual as on who:

Is unconscious; or

Is physically unable to resist, or communicate unwillingness to submit to, vaginal intercourse (or a sexual offense).

She must be so drunk or drugged or unconscious from sleep that she cannot consent. That is the standard of proof I would need to prove to a jury or judge, beyond a reasonable doubt. That is what I would be focusing my attention on in making a charging decision.

Please let me know if you have any other questions.

Lisa Dever

Chief of the Sex Offense and Child Abuse Division
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410-887-6610

From: Allison Frank [mailto:thefrankclan@comcast.net]
Sent: Thursday, June 30, 2016 11:31 AM
To: Lisa Dever <ldever@baltimorecountymd.gov>
Subject: Re: UMBC case

Hi Lisa,

Thanks for the phone call and your interpretation of Maryland law, especially **the clarification that you need to be passed out behind a dumpster to be considered incapacitated.** It will be useful in educating other parents as to problems with college rape and pursuit of criminal justice.

I don't understand how you do not have access to pictures if you have the rape kit. Is that not the case?

Allison Frank

Sent from my iPhone

On Jun 30, 2016, at 11:02 AM, Lisa Dever <ldever@baltimorecountymd.gov> wrote:

Allison & Kevin-

This email is to confirm how we left our conversation this morning. If you want me to evaluate the case to determine charges then you will send me all the information you want me to consider. If we go in that direction I want the Baltimore County Police Department to interview the roommates because they were the ones who had contact with your daughter before and after the incident. In speaking with Detective Montgomery, who is assigned to this case, she does not have any information on the roommates other than their names and their UMBC addresses, which is different now that it is summer. She would need their names and date of birth at the very least; phone numbers or home addresses would be even better.

If you decide not to pursue criminal charges then we will do no further investigation. With the information I have now there is not enough for me to go forward with criminal charges in this case. You have indicated there are photographs and text messages and other information that you have in your possession that I do not have, nor do the police. This is essential information for us to have to do a complete review. As we discussed even with everything we may decide that there is not enough for us to charge but I cannot give you an answer without a complete